

## CONGRESSIONAL RECORD SUMMARY

Wednesday, June 5, 2002

### SENATE

#### Measures Introduced:

**S. 2579.** *A bill to amend the Clean Air Act to limit access to off-site consequences analysis information in order to reduce the risk of criminal release from stationary sources, and for other purposes; to the Committee on Environment and Public Works.*

Bond

Pages S 5041, S 5043-4

“...The Community Protection From Chemical Terrorism Act will help protect communities from terrorists who would use sensitive information made public to destroy those communities. [ ] Unfortunately, the current law does not protect our communities from terrorist attack. Congress amended the law concerning OCA information in 1999. That legislation, entitled the Chemical Safety Information and Site Security Act reversed EPA plans to post OCA information on the Internet. However, the law left the task of establishing specific regulations for publicizing OCA information to EPA and DOJ. Admittedly, the last administration did its work before the terrorist attacks of September 11th. It was a different time then. A legitimate argument was made that environmental policy concerns outweighed the need to protect communities from terrorist attacks...”

**S. 2581.** A bill to conduct a study on the effectiveness of ballistic imaging technology and evaluate its effectiveness as a law enforcement tool; to the Committee on the Judiciary.

Miller

Page S 5041

**S. 2586.** *A bill to exclude United States persons from the definition of “foreign power” under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism; to the Select Committee on Intelligence pursuant to section 3(b) of S. Res. 400, 94<sup>th</sup> Congress for a period not to exceed 30 days of session.*

Schumer

Page S 5041

**S. 2587.** *A bill to establish the Joint Federal and State Navigable Waters Commission of Alaska; to the Committee on Energy and Natural Resources.*

“... I want to stress to my colleagues that this bill does not change in any way the legal criteria for navigability determinations. Those have been well settled in a body of Federal case law, led by the Gulkana decision, that stands undisturbed by this legislation. What the bill does is create a joint, Federal-State body to engage in dialogue that will help to resolve these long-standing disputes, and bring Alaska the same legal rights enjoyed by its 49 sister States...”

Murkowski

Pages S 5041, S 5051

#### H.R. 4775. Supplemental Appropriations Act:

*Senate continued consideration of H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, taking action on the following amendments proposed thereto:*

Pages S 4996-S 5023, D 563

#### Rejected:

**Santorum Amendment No. 3765 (to Amendment No. 3764),** to adopt the concurrent resolution on the budget for fiscal year 2003 reported by the Committee on the Budget for the Senate. (By a unanimous vote of 96 yeas (Vote No. 134), *Senate tabled the amendment.*)

Pages S 5018-21, D 563

#### H.R. 4775. Supplemental Appropriations Act (Cont'd.):

**Pending:**

**Daschle Amendment No. 3764**, to extend budget enforcement.

*Pages S 5015-18, D 563*

**During consideration of this measure, Senate also took the following action:**

By 38 yeas to 60 nays (Vote No. 132), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, **Senate rejected the motion to waive section 205 of H. Con. Res. 290**, the Fiscal Year 2001 Concurrent Resolution on the Budget with respect to **Kennedy Modified Amendment No. 3608**, to provide emergency school funding. Subsequently, a point of order that the amendment was in violation of section 205 of **H. Con. Res. 290**, the Fiscal Year 2001 Concurrent Resolution on the Budget, since it contains nondefense spending with an emergency designation, was sustained, and the emergency designation was thus removed.

*Pages S 4997-S 5004, D 563*

By 49 yeas to 49 nays (Vote No. 133), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, **Senate rejected the motion** to waive section 306 of the Congressional Budget Act of 1974 with respect to **Gregg Amendment No. 3687**, to extend and strengthen procedures to maintain fiscal accountability and responsibility. Subsequently, a point of order that the amendment was in violation of section 306 of the Congressional Budget Act of 1974 was sustained, and the amendment thus fell.

*Pages S 5004-15, D 563*

*"...Our amendment (Gregg Amendment No. 3687) would reinstate and extend the caps on discretionary spending, and would do so at a realistic baseline. It would simply set those levels at those in the budget resolution reported by the Budget Committee on March 22. And our amendment maintains, without change, the separate subcaps created in the Violent Crime Act of 1994 and the Transportation Equity Act of 1998..." (Feingold, page S 5006)*

A second motion was entered to close further debate on the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Friday, June 7, 2002.

*Page D 563, See next issue*

A unanimous-consent-time agreement was reached providing for further consideration of the bill at 10:30 a.m., on Thursday, June 6, 2002, with a vote on the motion to close further debate on the bill to occur at approximately 11 a.m. Further, that Senators have until 10:30 a.m. to file second degree amendments to the bill.

*Pages S 5059, D 563*

**Committee Meeting:**

**Committee on Environment and Public Works:** Committee concluded hearings **S. 1586**, to amend the Atomic Energy Act of 1954 to authorize the carrying of firearms by employees of licensees, and **S. 1746**, to amend the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974 to strengthen security at sensitive nuclear facilities.

*Page D 565*

**Committee Meeting For Thursday, June 6, 2002:**

**Committee on the Judiciary:** @ 9:30 a.m. To hold oversight hearings on counter- terrorism issues. SH-216.

*Page D 569*

**Remark:**

**Judge Eugene Sullivan.**

*"... Since 1986, Judge Sullivan has served as a member of the Federal bench. Many of us had the privilege*

*of presiding over his appointment and his subsequent confirmation as the chief judge of the Court of Appeals for the Armed Forces..."*

Thurmond

Page S 5031

## **HOUSE**

### **Bills Introduced:**

**H.R. 4864.** *A bill to combat terrorism and defend the Nation against terrorist acts, and for other purposes; to the Committee on the Judiciary.*

Sensenbrenner

Page H 3228

**H.R. 4868.** *A bill to make the diversity of the American people a resource to promote national security; to the Committee on Education and the Workforce.*

Crowley

Page H 3229

**H.R. 4872.** *A bill to amend section 124(a) of the Department of Justice Appropriations Act, 1999 to permit criminal background checks for nursing facility and home health agency personnel involved in indirect patient care; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.*

Jones

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### **Executive Communications:**

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**EC-7200.** A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-377, "*Government Attorney Certificate of Good Standing Filing Requirement Amendment Act of 2002*" received June 5, 2002, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

**EC-7201.** A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-380, "*Omnibus Anti-Terrorism Act of 2002*" received June 5, 2002, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

**EC-7209.** *A letter from the Chief Justice, Supreme Court of the United States, transmitting a copy of the Report of the Proceedings of the Judicial Conference of the United States, held in Washington D.C., on September/October 2001, pursuant to 28 U.S.C. 331; to the Committee on the Judiciary.*

**EC-7210.** *A letter from the Chair, United States Sentencing Commission, transmitting the Commission's amendments to the sentencing guidelines, policy statements, and official commentary, pursuant to 28 U.S.C. 994(p); to the Committee on the Judiciary.*

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### Committee Meetings:

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**Committee on Appropriations:** Subcommittee on the District of Columbia held a hearing on Fiscal Year 2003 District of Columbia Budget.

**Committee on Government Reform:** *Subcommittee on the District of Columbia held a hearing on "Oversight Hearing on the Performance of the Court of Appeals and the Superior Court of the District of Columbia."* Testimony was heard from Cornelia M. Ashby, Director, Education, Workforce and Income Security Issues, GAO; the following officials of the District of Columbia: Annice M. Wagner, Chief Judge, Court of Appeals; Rufus G. King III, Chief Judge, Superior Court; Lee F. Satterfield, Presiding Judge, Family Court; Anne Wicks, Executive Officer, Superior Court; Olivia Golden, Director, Child and Family Services; and Arabella Teal, Principal Deputy Corporation Counsel; and a public witness.

*Page D 567*

**Committee on the Judiciary:** Held a hearing on **H.R. 1253**, *Free Market Antitrust Immunity Reform (FAIR) Act of 2001*.

**Committee on the Judiciary:** Subcommittee on Courts, the Internet and Intellectual Property held an oversight hearing on *"DRM: The Consumer Benefits of Today's Digital Rights Management Solutions."*

**Committee on Transportation and Infrastructure:** Subcommittee on Economic Development, Public Buildings and Emergency Management held a hearing on *U.S. General Services Administration's Fiscal Year 2003 Capital Investment and Leasing Program*.

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### Committee Meetings for Thursday, June 6, 2002:

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**Committee on Government Reform:** @ 10:00 a.m. Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Relations, hearing on *"The Federal Financial Management Improvement Act of 1996: Are Agencies Meeting the Challenge?"* 2247 Rayburn.

### Remarks:

2002 Supplemental Appropriations Act for Further Recovery From and Response to Terrorist Attacks on the United States.

Crowley

*Page E 947*

Stupak

*Pages E 947-48*

Trafficant Trial: A Railroad of Justice.

Trafficant

*Pages E 949-950*

**Next SENATE MEETING: Thursday, 9:30 a.m., June 6, 2002.**

**Next HOUSE MEETING: Thursday, 10:00 a.m., June 6, 2002.**

**OLA: S. Schwarz, A. Santos**